

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

LELAND MEDICAL CENTERS, INC.

Plaintiff,

v.

FLOYD R. WEISS, et al.,

Defendants.

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CASE NO. 4:07cv67

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 13, 2007, the amended report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' 12(b)(1) Motions to Dismiss (Dkts. 8, 9, & 12) be denied.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Defendants' 12(b)(1) Motions to Dismiss (Dkts. 8, 9, & 12) are **DENIED**.

**SO ORDERED.**

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**SIGNED this 28th day of September, 2007.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE